

Delegated Report

Prior Approval Extensions Application

Planning Application No: 20240268

Location: Gwendon Pear Tree Lane Shorne Gravesend

Description: Prior Approval application for a single storey rear extension with a depth of 8 metres, maximum height of 2.89 metres and eaves height of 2.89 metres.

Applicant: Mr & Mrs Haman

Site Visit Date: N/A Desktop Assessment

Preliminary Matters

The site lies adjacent to land under the Court Wood Article 4 Direction, reference number 97/5. It should be noted that the article 4 direction is not relevant to this application.

The scale bars are incorrect/not included on the drawings, however the dimensions are indicated on the drawings and stated within the application form. As such, the application has been assessed in accordance with the stated dimensions, rather than any measurements.

This submission follows refusal of application 20230985 (Prior approval application for a single storey rear extension with a depth of 8.00 metres, maximum height of 3.89 metres and eaves height of 3.89 metres). The application was refused on the following grounds:

The proposed development would fail under A.1 (d) and A.1 (j)(iii) as the extension would rise above the height of the eaves of the existing dwellinghouse and the extension would be greater than half the width of the original dwellinghouse. It should also be noted that the provision of an extended balcony area would not fall under permitted development and any change in land levels, particularly when in excess of 0.30m requires planning permission. As such, the proposed development does not benefit from the provisions of Class A, Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and Planning Permission would be required.

Amendments to the proposal along with annotations on the plans have been made to address the above. As such, the analysis is carried out below.

Submitted Documents/Plans

Application Form;
Supplementary Information – Historic Photos of Property (received on 25.03.24);
Supplementary Information – Historic Maps (received on 25.03.24);
Site Location Plan and Block Plan (received on 25.03.24);
Floor Plans – Existing (received on 25.03.24);
Elevations – Existing (received on 25.03.24);
Ground Floor Plan – Proposed (received on 25.03.24);
Floor Plan – Proposed (received on 25.03.24);
South and North Elevations – Proposed (received on 25.03.24);

East and West Elevations – Proposed (received on 25.03.24); and
Site Plan (received on 25.03.24).

Property Type

Gwendon, Pear Tree Lane is a detached chalet bungalow style property.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230985	Prior Approval application for a single storey rear extension with a depth of 8 metres, maximum height of 2.89 metres and eaves height of 2.89 metres.	Refused	02.11.2023
20160470	Single storey rear extension with a depth of 8 metres, maximum height of 3.89 metres and eave height of 2.6 metres (west) and 2.9 metres (east).	Prior Approval Not Required	09.06.2016
20140222	Application for a Lawful Development Certificate for the proposed erection of single storey extensions on both sides, hip to gable extension, dormer extensions in east and west elevations and four detached outbuildings (buildings A, B and C and workshop).	Certificate Granted	12.05.2014
20131134	Single storey rear extension with a depth of 8 metres, maximum height of 3.89 metres and eave height of 2.6 metres (west) and 2.9 metres (east)	Prior Approval Not Required	09.01.2014

Development Plan

Due to the nature of this application, the adopted plan and national planning policies are not relevant since it relates to whether the proposed single storey extension requires prior approval.

Planning Legislation

Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended)

Consultations, Publicity and Representations

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) requires the Local Planning authority to consult adjoining neighbours for Prior Approval Householder Applications under Class A, Part 1 Schedule 2 and Article 3. Additional consultation is not part of the procedural requirements. A representation from Shorne Parish Council was received however as the representation was not from a neighbouring property, this is not relevant for this application.

In accordance with the amendments in relation to home extensions under paragraph A.4 (5) of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the following adjoining neighbouring properties were notified of this application;

- Little Priory, Pear Tree Lane

The consultation period expired on 15.04.24 and no representations were received.

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N/A for this Application
Permitted Development Rights Removed/Restricted	N

Class A - The enlargement, improvement or other alteration of a dwellinghouse

A.1	Development is not permitted by Class A if –	Y/N
(a)	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N
(b)	as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)	N
(c)	the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse	N
(d)	the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse	N
(e)	the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N N
(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	Y 8.00m (see (g) below) N 2.89m
(g)	for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	N 8.00m N 2.89m
(h)	the enlarged part of the dwellinghouse would have more than a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or	N/A

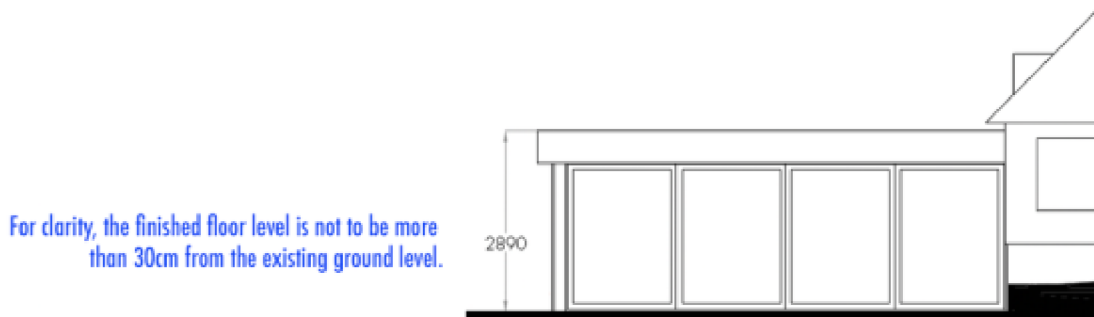
	(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;	N/A
(i)	the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres	N 2.89m (in addition the boundary is further away)
(j)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would – (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwelling; or	N N N, extension falls slightly under half the width of the original dwelling
(ja)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);	N/A
(k)	it would consist of or include – (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N N N N
(l)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
A.2	In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –	Y/N
(a)	it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	N/A
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	N/A
(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	N/A

(d)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).	N/A
A.3	Development is permitted by Class A subject to the following conditions –	Y/N
(a)	the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Information has not been provided-see below
(b)	any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be – (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and	N/A
(c)	where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	N/A

Assessment Note

A.3(a) – not enough information was provided to enable this question to be answered. However, it is not directly related to the Prior Approval Extension Application itself. The proposed single storey rear extension would need to adhere to all of the above to be considered permitted development and further information would be required in the event of a submission to obtain a Lawful Development Certificate.

It should be noted that Section 55 of the Town and Country Planning Act (1990) defines development as carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. As aforementioned above, the plans cannot be measured, however the proposed west elevation includes the below annotation:



West Elevation | Proposed

Any change in land levels particularly when it would be at 0.3m or greater, would be considered an engineering operation requiring planning consent.

Analysis

Under Class A.1 (g) of the Town and Country Planning (General Permitted Development) (GDPO) (England) Order 2015, as amended, a single family dwelling can extend beyond the rear wall by 8 metres in the case of a detached property, as long as it does not exceed 4 metres in height.

As set out in the GDPO, Class A.4 (2), the developer has provided sufficient information to support the application; application form, site location plan and additional plans.

The information provided show the proposed single storey rear extension is within the parameters set out in the GPDO; 8.00 metres deep, a maximum height of 2.89 metres, with an eave height of 2.89 metres.

The adjoining properties were consulted in accordance with A.4 (5) and no representations were received. Therefore A.4 (7) has not been triggered and impact on neighbouring amenity does not require investigation.

It is considered that the details and documents provided with the application are sufficient and no further information is required under A.4 (8) to determine the proposed development.

Conclusion

The proposed development complies with **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and it is considered **PRIOR APPROVAL IS NOT REQUIRED**, subject to the imposition of informatives relating to the extent of this prior approval, the development to accord with the information provided, and requirement to comply with Building Regulations and Party Wall Act.

Case Officer:	Mrs Lucy Hankin	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	25th April 2024	Dated:	29 April 2024